**GOVERNMENT OF ANDHRA PRADESH**
**ABSTRACT**

Suits - Andhra Pradesh Administrative Tribunal –C.A.No. 1535/2013 in O.A. No.5373/2011- Implementation of orders of APAT in O.A.No.5373/ 2011 with MA No.2954/2012, dt.7.11.2012 filed by Sri T.Brahmaiah, Municipal Commissioner – Fixation of notional seniority –Orders - Issued.

**MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (A1) DEPARTMENT**

G.O.RT.No. 502 Dt.16.07.2015

Read the following:-

1) From the Hon'ble APAT order, dt:07.11.2012 in O.A.No.5373/ 2011 with MA No.2954/2012.
2) From the C&DMA,AP,Hyderabad,Lr.Roc.No.12653/2001/A3, Dt.23.11.2010.
3) Govt.Memo.No.16533/A1/2011,dt.13.08.2013 & 09.11.13.
4) From the Hon'ble AP High Court order dt.02.02.2015 in W.P.No.2763/2014.
5) Govt.Memo.No.7261/A2/2015, Dt.25.05.2015.
6) Govt.Memo.No.16533/A1/2011,dt.13.08.2013
7) From the C&DMA, AP., Hyderabad, Lr.Roc. No.12653/ 2001/A3, Dt.02.07.2015, copy received on 02.07.2015.

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ORDER:-

Sri T.Brahmaiah, Municipal Commissioner is a physically handicapped person and he appeared for Group-II examination notified No.10/99 of Andhra Pradesh Public Service Commission, Hyderabad. The Andhra Pradesh Public Service Commission, has notified (15) vacancies of Municipal Commissioners Grade-III in the said notification without mentioning reservations meant for the Physically Handicapped persons and also about the vacancy position as per the roaster system. As per the A.P. State and Subordinate Service Rules, 1962, the 6th vacancy is meant for Physically Handicapped person.

2. Sri.T.Brahmaiah, Sanitary Inspector, has filed OA No. 3828/ 2001 in the Hon'ble Andhra Pradesh Administrative Tribunal, to consider his name for appointment as Municipal Commissioner, Grade-III under Physically Handicapped quota in the 6th vacancy earmarked for Physically Handicapped candidate in Group.II examinations. The said OA was disposed of with a direction to the Commissioner & Director of Municipal Administration, A.P., Hyderabad to examine the representation of the individual in accordance with the rules and pass appropriate orders within two weeks. The Commissioner & Director of Municipal Administration, A.P., Hyderabad vide Memo, dt 23.07.2011 has given reply to the applicant and the 6th point in respect of Multizone –I was already crossed prior to issue of G.O.Ms.No.357, GA Dept., as such no candidate was selected under Physically Handicapped Quota.

(P.T.O)

3. Based on the report of Commissioner & Director of Municipal Administration, A.P., Hyderabad in the reference 2nd read above, Government, in Memo.No.16289/A1/2010-4, Dt. 17.02.2011, rejected the claim of the applicant. Aggrieved by the said Memo the applicant filed O.A.No.5373/2011 before the Hon'ble APAT challenging the Government Memo dated.14.07.2011. Counter has been filed before the Hon'ble Andhra Pradesh Administrative Tribunal in O.A.NO.5773/ 2011.

4. The Hon'ble Andhra Pradesh Administrative Tribunal, in its order dt.07.11.2012 in O.A. No. 5373/2011 with MA No.2954/2012 allowed the O.A. by setting aside the impugned orders in Memo. No.16289/A1/2010-4, Dt.17.02.2011 with a direction to the Respondents to provide notional seniority to the applicant from the date of orders of the Tribunal i.e., 9.3.2005 up to the issuance of G.O.Ms.No.456,MA&UD Dept., Dt.14.07.2009.

5. In pursuance of the orders of the Hon'ble Andhra Pradesh Administrative Tribunal, the applicant submitted a representation Dt.19.11.2012 to the Govt., requesting to revise his seniority fixed in G.O.Ms.No.358 MA, Dt. 15.09.2012 and his name be placed at the appropriate place and consider for promotion to the panels now under consideration.

6. The Government have filed Writ Petition in the Hon'ble High Court of A.P., against the order dt.07.11.2012 of the Hon'ble Andhra Pradesh Administrative Tribunal in O.A. No.5373/2011 with MA No.2954/ 2012. The Hon'ble High Court disposed of the case with the following direction in W.P. No. 2763/2014, Dt. 02.02.2015:-

> "*The Tribunal has denied the 1st respondent the benefit of notional seniority from 2001 to 2005, and has merely granted him the benefit of notional seniority from the date of its earlier order in O.A. No. 9917 of 2001 dated. 09.03.2005, though recruitment to the post of Municipal Commissioner Grade-III took place in the year 2001. The order of the Tribunal does not suffer from any legal infirmity necessitating interference under Article 226 of the Constitution of India.*
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> *"The Writ Petition fails and is, accordingly, dismissed. Miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs."*

7. Meanwhile the applicant has also filed C.A.No.4535/2013 in O.A. No.5373/2011 before the Hon'ble Tribunal.

…p.3..

8. Govt. after careful examination of the matter duly consulting Commissioner & Director of Municipal Administration, A.P., Hyderabad, and in compliance with afore mentioned orders of the Hon'ble Andhra Pradesh Administrative Tribunal and the Hon'ble High Court of A.P., hereby decides that the notional seniority of the applicant Sri T.Brahmaiah, Municipal Commissioner, Grade-III be fixed with effect from the date of Hon'ble Andhra Pradesh Administrative Tribunal orders i.e., 09.03.2005 up to issuance G.O.Ms.No.456, MA&UD Dept., Dt.14.07.2009.

9. The Director of Municipal Administration, A.P., Hyderabad, shall take necessary further action in the matter accordingly.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**G.JAYALAKSHMI,**
**SECRETARY TO GOVERNMENT**

To
The Director of Municipal Administration,AP., Hyderabad.
The individual through the Director of Municipal Administration,
A.P., Hyderabad.
The Government Pleader for services, A.P.High Court, Hyderabad.
The G.P.for MA&UD(S),A.P.Administrative Tribunal, Hyderabad.
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//FORWARDED BY ORDER//

SECTION OFFICER